1952.

File No. Essential Commodities II/52(1)

Legal Department

B BRANCH

PB(E) 1952

Subject:—

Notifications under the Bombay - Essential Commodities Cattle (control) Act 1946.

File No. Essential Commodities II/52(1)

Gen. 104 a.

144-B

Legal Department.

If sulphate of ammonia is considered by Government as a commodity essential to the life of the community it can be added to Schedule I (relating to essential commodities) by the issue of a notification under section 3 of the Bombay Essential Commodities and Cattle (Control) Act, 1946. No legislation for the purpose is necessary.

Id/- (J.R.D.) 22/1.

Additional Secretary to Government.

U.R. to A.& F.D.,No.925,dated the 22nd January 1952.

R.D.P.
20/7/56

S.C.

Legal Department.

The draft contained in para(v) of the draft replies at pages 53-56 ante is not in order. The Agriculture and Forest Department has not correctly interpreted the provisions of clauses 4 and 5 of the Order of 1941. What clause 4 of the said Order contemplates is that when a person desires to acquire iron or steel he must obtain an authority from the Controller who has got power to impose conditions subject to which a person is to obtain it. Such condition can be imposed by the Controller by a special or general order. It is thus clear that the clause in question does not authorize the Controller to empower any person to distribute iron or steel. The Revenue Department's draft however provides for such authorization which is not legally feasible. The same observations would apply to the provision of clause 5 of the Order. Apart from the legality of the proposed draft the statement made by the Agriculture and Forest Department that this provision when inserted would make misuse punishable under clause 8 is wrong. It is already pointed out in R.L.A's,No.8461,dated the 29th May 1951, that it is absolutely necessary to embody a condition in the authorization or permit which is given to an agriculturist that he shall not use such iron or steel for a purpose other than that specified in the permit. Unless such a condition forms part of a permit the question of legally enforcing such a condition would not arise. It appears from the draft replies prepared by the Agriculture and Forest Department with reference to the Government of India's letter at page 49 that the machinery of the Iron and Steel (Control of Production and Distribution) Order,1941 is not being made use of for the distribution of iron and steel for agricultural purposes from the quota given by the Government of India. Nor is it intended to distribute such quota under the said Order. If so, instead of amending the said Order for the purpose

purpose of preventing the misuse of iron and steel made available for agricultrual purpose, the better method would be to have a self-contained Order as advised in R.L.A's opinion,No.8461,dated the 29th May 1951 providing for the following matters :-

(1) to provide legal cover to the system of distribution now followed by this Government of selling iron and steel from the agricultural quota;

(2) to require an agriculturist to obtain iron and steel on a letter of authority issued by such a Taluka Development Board;

(3) to prevent him from selling it to any other person;

(4) to require him to use it for the purpose specified in the letter of authority.

The Agriculture and Forest Department should consider this case in the light of the above observation, unless the Government of India have their own views in the matter.

Id/- (J.R.D.) 17/3.

Additional Secretary to Government.

U.R. to A.& F.D.No.,4098,dated the 17th March 1952.

R.D.P.
20/7/52.

S.C.